

in particular those in sections 4 and 5 of this order, shall be made in consultation with the Secretary of Defense and, as appropriate, other agency heads and shall be implemented in accordance with procedures established pursuant to Executive Order No. 12851. The Secretary concerned may redelegate any of these functions to other officers in agencies of the Federal Government. All heads of departments and agencies of the United States Government are directed to take all appropriate measures within their authority to carry out the provisions of this order, including the suspension or termination of licenses or other authorizations.

Sec. 8. Preservation of Authorities. Nothing in this order is intended to affect the continued effectiveness of any rules, regulations, orders, licenses, or other forms of administrative action issued, taken, or continued in effect heretofore or hereafter under the authority of the International Economic Emergency Powers Act, the Export Administration Act, the Arms Export Control Act, the Nuclear Non-proliferation Act, Executive Order No. 12730 of September 30, 1990, Executive Order No. 12735 of November 16, 1990, Executive Order No. 12924 of August 18, 1994, and Executive Order No. 12930 of September 29, 1994.

Sec. 9. Judicial Review. This order is not intended to create, nor does it create, any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, officers, or any other person.

Sec. 10. Revocation of Executive Orders Nos. 12735 and 12930. Executive Order No. 12735 of November 16, 1990, and Executive Order No. 12930 of September 29, 1994, are hereby revoked.

Sec. 11. Effective Date. This order is effective immediately.

This order shall be transmitted to the Congress and published in the *Federal Register*.

William J. Clinton

The White House,
November 14, 1994.

[Filed with the Office of the Federal Register, 3:16 p.m., November 14, 1994]

NOTE: This Executive order was published in the *Federal Register* on November 15.

Letter to Congressional Leaders on the Proliferation of Weapons of Mass Destruction

November 14, 1994

Dear Mr. Speaker: (Dear Mr. President:)

Pursuant to section 204(b) of the International Emergency Economic Powers Act (50 U.S.C. 1703(b)) and section 201 of the National Emergencies Act (50 U.S.C. 1631), I hereby report to the Congress that I have exercised my statutory authority to declare a national emergency and to issue an Executive order that consolidates the functions of two existing Executive orders, eliminates provisions that have been superseded by legislation, and expands certain existing authorizations in order to enhance our ability to respond to the threat of weapons of mass destruction-related proliferation activities around the world.

The new Executive order consolidates the functions of Executive Order No. 12735 of November 16, 1990, that declared a national emergency with respect to the proliferation of chemical and biological weapons, and Executive Order No. 12930 of September 29, 1994, that declared a national emergency with respect to nuclear, biological, and chemical weapons and of the means of delivering such weapons. This new order includes all of the authorities in Executive Order No. 12930 and, with the exception discussed below, continues the authorities previously in Executive Order No. 12735.

The new order eliminates certain redundant authorities and other authorities that will be rendered unnecessary in the wake of congressional or multilateral action. The order eliminates obsolete provisions relating to the negotiation of a global convention relating to chemical weapons (CW) because the Chemical Weapons Convention has already been negotiated, signed, and is now in the ratification process. The order also eliminates an obsolete requirement to develop a list of items for CW-related controls. Such a list and the controls in question have already been implemented.

Finally, the new order provides additional authorization to further important non-proliferation goals that are not present in existing legislation or the other Executive orders. First, the order expands previous provisions on the imposition of export controls by referring to weapons of mass destruction and missiles rather than to chemical and biological weapons. Second, the order provides for the imposition of sanctions on foreign persons for proliferation activity contributing to chemical and biological weapons programs in any country. Existing sanctions legislation is limited, absent Presidential action, to activity that contributes to chemical and biological weapons programs in the countries on the terrorist list. This provision closes a loophole in the existing sanctions legislation and comports with the global requirement of the Chemical Weapons Convention not to assist CW programs anywhere in the world.

I have authorized these actions in view of the danger posed to the national security, foreign policy, and economy of the United States by the continuing proliferation of weapons of mass destruction and their means of delivery.

The Secretary of State, the Secretary of the Treasury, and the Secretary of Commerce are authorized to take such actions and to issue any regulations necessary to implement these requirements. These actions shall be implemented in accordance with procedures established under Executive Order No. 12851 of June 11, 1993. I am enclosing a copy of the Executive order that I have issued exercising these authorities.

My Administration continues to believe that the harmonized proliferation sanctions legislation it included as part of the proposed new Export Administration Act represents the best means of maximizing the effectiveness of sanctions as a tool of U.S. non-proliferation policy while minimizing adverse economic impacts on U.S. exporters. Until such harmonized sanctions legislation is enacted, however, I believe that it is appropriate as an interim measure to take the steps described above to consolidate and streamline the restrictions of the former non-proliferation Executive orders.

Sincerely,

William J. Clinton

NOTE: Identical letters were sent to Thomas S. Foley, Speaker of the House of Representatives, and Albert Gore, Jr., President of the Senate.

The President's News Conference in Jakarta

November 15, 1994

The President. Good evening—or good morning, to the people who are watching this back in America. [*Laughter*] At our meeting in Bogor today, the Asian-Pacific leaders pledged to achieve free and fair trade and investment between our nations by the year 2020, with the industrialized countries reaching this goal by 2010. This agreement is good news for the countries of this region and especially good news for the United States and our workers. I want to thank President Soeharto for hosting this meeting and for his leadership in crafting the agreement.

When the United States brought the APEC leaders together in Seattle for the very first time last year, we agreed on a common vision of a united, open trading system. At this year's meeting, we have committed to make that vision real through free and fair trade and to do it by a date certain. We'll meet again next year in Osaka. Meanwhile, we'll develop a detailed action agenda, a blueprint, for achieving our goal of free and fair trade, which I hope and believe will be approved when we meet in Osaka.

APEC is primarily an economic organization, and today's talks focused on those issues. While I believe stronger trade ties also will lead to more open societies, I remain committed to pursuing our human rights agenda, as I did in my individual meetings with the leaders this week. This is an agenda we must be willing to pursue with both patience and determination, and we will.

From the beginning of this administration, we have worked to create high-wage jobs and a high-growth economy for the 20th century by expanding our ability to trade with and do business with other nations. The Asia-Pacific region is key to the success of this strategy because it's the fastest growing region in the world, with rapidly expanding middle classes who are potential American customers. Already a third of our exports go to these nations, with 2 million American jobs